



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION**

MICHAEL DAVID GRAVES JR.,  
Plaintiff,

vs.

CATHY WHITE, Medical Supervisor;  
SHANNA PEELER, Nurse Practitioner;  
OFFICER ADAMS, Kitchen Supervisor; and  
MAJOR LESO,  
Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION 1:24-3233-MGL

---

---

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND GRANTING IN PART AND DENYING IN PART  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

---

---

Plaintiff Michael David Graves Jr., who is self-represented, filed this lawsuit against the above-named Defendants (Defendants).

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending to the Court Defendants' motion for summary judgment be granted in part and denied in part. Specifically, she suggests the motion be denied as to Grave's claims against Cathy White (White) and Shanna Peeler (Peeler) for deliberate indifference in violation of his Fourteenth Amendment rights, but granted as to all other claims. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 21, 2025, but the parties failed to file any objections to the Report. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Rodgers v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report, and incorporates it herein. It is therefore the judgment of the Court Defendants’ motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**. Specifically, the motion is **DENIED** as to Grave’s claims against White and Peeler for deliberate indifference in violation of his Fourteenth Amendment rights, but **GRANTED** as to all other claims.

**IT IS SO ORDERED.**

Signed this 11th day of February, 2025, in Columbia, South Carolina.

/s/ Mary Geiger Lewis

MARY GEIGER LEWIS

UNITED STATES DISTRICT JUDGE

\*\*\*\*

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.